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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,365	07/12/2007	Harry Kany	JD-337-US	8880
24804	7590	01/27/2010		
JohnsonDiversey, Inc. 8310 16TH STREET, M/S 509 PO BOX 902 STURTEVANT, WI 53177-0902				
EXAMINER				
BOYER, CHARLES I				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
01/27/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,365

Applicant(s)

KANY ET AL.

Examiner

Charles I. Boyer

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-31, and 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Mihelic, US 5,723,430.

Mihelic teaches a microemulsion for removal of soils from metal surfaces comprising a mixture of ethoxylated alcohol nonionic surfactants, Triton H-66, amino methyl propanol, glycol ether solvents, silicone defoamer, and water (col. 7, example 1). The examiner notes that the amino alcohol is a source of alkalinity, and so the composition will have an alkaline pH. As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to specific chelants, surfactants, and alkanolamines claimed, as these components are optional and therefore may be absent, they do not further limit the claim.

3. Claims 21-31, and 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Requejo et al, US 4,983,317.

Requejo et al teach a cleaner concentrate for hard surfaces comprising an alkylphenol ethoxylate nonionic surfactant, Triton H-66, sodium carbonate, glycol ether

solvent, isopropyl alcohol, EDTA, and water (col. 6, example A). The examiner maintains that a hard surface cleaner inherently comprises metal surfaces. As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to specific chelants, surfactants, and alkanolamines claimed, as these components are optional and therefore may be absent, they do not further limit the claim.

4. Claims 21-29, 31, and 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Rouillard et al, US 2003/0127111.

Rouillard et al teach a CIP composition for hard surfaces comprising potassium hydroxide, IDS chelant, phosphonate chelant, mixture of alcohol ethoxylate nonionic surfactants, alkylaryl alkoxy phosphate ester, and water (¶56, example 4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to specific chelants, surfactants, and alkanolamines claimed, as these components are optional and therefore may be absent, they do not further limit the claim.

5. Claims 21-29, 31, and 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Aubert et al, US 5,858,928.

Aubert et al teach an industrial cleaning agent for hard surfaces (col. 1, lines 10-12) comprising amino methyl propanol, ethoxylated phosphate diester, additional nonionic surfactant, and water (col. 9, example 1). As this reference meets all material

limitations of the claims at hand, the reference is anticipatory. With respect to specific chelants, surfactants, and alkanolamines claimed, as these components are optional and therefore may be absent, they do not further limit the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-23, 25-29, 31, and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill et al, US 6,310,024.

Gill et al teach a composition for rust and scale removal from aqueous systems comprising EDTA chelant, ethoxylated alcohol nonionic surfactant, and hydrotrope, wherein the composition has a pH of 8 (col. 8, lines 25-45). The most preferred hydrotrope of the invention is Triton H-66, the preferred phosphate ester of the present invention (col. 5, lines 18-26). Accordingly, it would have been obvious to one of ordinary skill in the art to use this hydrotrope in the example above with complete confidence of forming an effective rust and scale remover.

3. Claims 21-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Man et al, US 7,569,532.

Man et al teach an alkaline hard surface cleaner comprising monoethanolamine, propylene glycol, nonionic surfactant, SXS hydrotrope, alcohol alkoxylate phosphate ester, and water (col. 45, formula 2). Suitable anionic surfactants of the invention include the alcohol alkoxylate phosphate ester in formula 2 above, as well as di-ester and tri-ester phosphate esters (col. 27, lines 20-51). Suitable amphoteric surfactants of the invention include imidazolines (col. 30, lines 63-65). Accordingly, it would have been obvious to one of ordinary skill in the art to use di-ester or tri-ester phosphate esters in addition to, or in place of the alcohol alkoxylate phosphate ester in formula 2 with complete confidence of forming an effective hard surface cleaner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272 1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles I Boyer
Primary Examiner
Art Unit 1796

/Charles I Boyer/
Primary Examiner, Art Unit 1796